

To Chairman Genachowski and whomever this may concern at the FCC,

I have submitted public comment filings to FCC dockets on Net Neutrality and The National Broadband Plan before stating the importance of an Open Internet for commerce, telecommunication and the free flow of information online, and why we need to stop ISP discrimination. I have written extensively about the need for wholesale open access on wireless phones so consumers can choose the cellular phones of their choice independently and separately from the carriers of their choice (so they can choose the carrier of their choice based on the merits of service not which carrier has the best new phones), and the need to stop cellular phone carriers from violating Net Neutrality themselves by blocking mobile apps from running over their wireless network. I have written about the need to investigate excessive early termination fees (ETFs) designed to discourage users from switching to better carriers and text message discrimination by some carriers to block text messages from nonprofit groups to and from their users they dislike (like Sprint blocking text messages to aid in Haiti relief).

Now I write to the FCC to express my concerns that the data used for the National Broadband Plan on U.S. national broadband penetration and deployment may have been flawed. I read a recent article about media reform group Free Press that runs the Save The Internet, Free My Phone and Internet For Everyone campaigns telling lawmakers their concerns that data the FCC used may have been flawed.

I urge the FCC to look into this and make any needed corrections to the data then re-submit the Plan if needed. I also urge the FCC to reclassify broadband a telecommunications service to protect the FCC's authority to implement The National Broadband Plan and protect Net Neutrality thus protecting Internet users from discrimination by incumbent duopoly cable and phone company ISPs.

Below is a copy of the article in question along with a link to it.

Link: <http://thehill.com/blogs/hillicon-valley/technology/93529-free-press-fcc-used-flawed-data-in-broadband-plan>

Despite years of Congressional pleas for better broadband data, the FCC's National Broadband Plan is based on flawed information and incorrect assumptions, public interest group Free Press told lawmakers Wednesday.

Derek Turner, research director for Free Press, said the FCC has overstated the availability of broadband availability around the country, using figures that are not sufficient for long-term policymaking. In his testimony before the House technology subcommittee, Turner said he doubts the FCC's claim that 95 percent of U.S. households have access to broadband facilities capable of

delivering adequate speeds.

"The Commission has for nearly two years failed to act on its own proposal to collect broadband availability data," Turner told the panel. "And now, despite the fact that the National Broadband Plan strongly recommends that the FCC finally gather this availability data, the Commission has signaled its intent to delay the matter even further by starting another proceeding at the end of this year."

Sharon Gillett, FCC Wireline Bureau Chief, told the panel that reliable data on broadband availability is "limited" but the plan is nonetheless a "reasonable indicator of broadband availability."

The data question has overshadowed other efforts by the Obama administration to extend the reach of broadband into rural areas. The broadband stimulus program was criticized for allocating billions of dollars for broadband expansion projects before the completion of detailed maps showing where that money is needed most.

Turner said the FCC should be asking Internet service providers to define their service territories when it collects broadband data twice a year.

"Had the FCC acted in 2008 to start collecting that data, we may not have had to run the broadband stimulus programs in the dark like we did," he said.

Lawmakers from both sides of the aisle appeared frustrated that the data may not be true representations of the state of broadband in America, especially after a \$20 million plan that took nearly a year to complete.

Subcommittee Chairman Rick Boucher (D-Va.) said it seems the broadband plan's numbers are overly "optimistic."

Rep. Marsha Blackburn (R-Tenn.), said "We should have gone about our mapping processes first and then we should have issued our definitions of unserved and underserved were going to be."

Turner compared the availability of broadband in rural areas to a grocery store on a mountain. A road through the forest technically would allow trucks to deliver bread to the store, but that doesn't mean bread distributors have made deliveries.

"If there's no bread on the shelves, shoppers don't much care that the bread could have been there," he said. "It's the same for broadband."

The FCC wants to reform an \$8 billion universal service fund to get broadband service to rural areas,

because it largely does not make business sense for the private sector to run costly fiber lines to sparsely populated areas.

Turner said the FCC's current, inaccurate data may "confound efforts to bring true high-quality services to every corner of the Union."